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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,634	12/17/2003	Lieven Leopold Albertine Trappeniers	Q78312	4745
23373	7590	02/13/2008	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			GOODCHILD, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2145	
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			02/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,634

Applicant(s)

ALBERTINE TRAPPENIERS ET AL.

Examiner

WILLIAM J. GOODCHILD

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Westfall et al., (International Publication No. WO 02/15462), (hereinafter Westfall).

Regarding claims 1 and 8-15, Westfall discloses (a) at said terminal (1), generating a service-selection-signal [page 15, lines 22-24] and transmitting said service-selection-signal (100,101) from said terminal (1) to a service-selection-server (9) [page 16, lines 28-30], (b) at said service-selection-server (9), in dependence of a service-definition-signal, obtained by said service-selection server (9), generating a configuration-signal and transmitting said configuration-signal to said access system (4) for configuring (104) at least parts of said protocol couplings (3) [page 18, lines 21-25], (c) at said service-selection-server (9), generating a service-information-signal and transmitting said service-information-signal (105) to said terminal (1) and/or said coupling-interface (2) [page 19, lines 4-7] to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3) wherein said service-information signal defines a protocol coupling (3) to be used [page 15, Table 1 and page 13, lines 11-23 and pages 14-16], and (d) at said terminal (1) and/or said

coupling-interface (2), communicating (107,108) with said service-providing-server (6) or said other terminal via the protocol coupling (3) defined by at least one service parameter, wherein said communicating (107,108) comprises an exchange of signals that comprise said at least one service parameter [page 1, lines 14-22].

Regarding claim 2, Westfall discloses the step of (b1) at said service-selection-server (9), in dependence of said service-selection-signal, generating said service-definition-signal [page 18, lines 21-25].

Regarding claim 3, Westfall discloses the step of (b2) at said service-selection-server (9), receiving said service-definition-signal from said service-providing-server (6) or said other terminal defined by said service-selection-signal [page 19, lines 4-7].

Regarding claim 4, Westfall discloses the steps of (d1) at said terminal (1) and/or said coupling-interface (2), in dependence of said service-information-signal, configuring at least parts of said terminal (1) and/or of said coupling interface (2), and of (d2) at said terminal (1) and/or said coupling-interface (2) [page 19, lines 8-12], setting up a virtual connection from said coupling-interface (2) to said access system (4) [page 21, lines 27-29], and of (d3) at said access system (4), setting up a virtual connection from said access system (4) to said service-providing-server (6) or said other terminal, and with said service parameter being supplied to said terminal (1) and/or said coupling-interface (2) via said service-information-signal [page 19, line 31 – page 20, line 1 and page 19, lines 4-7].

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Regarding claim 5, Westfall discloses said coupling-interface (2) is not coupled to said access system (4) via a permanent channel, with said step (a) comprising the steps of (a1) at said terminal (1) and/or said coupling- interface (2), in dependence of said service-selection-signal, setting up a virtual connection from said coupling-interface (2) to said service-selection-server (9) [page 19, line 31 – page 20, line 1] and of (a2) at said terminal (1) and/or said coupling-interface (2), in dependence of said service-selection-signal, configuring at least parts of said terminal (1) and/or said coupling-interface (2), and with said step (d) comprising the step of (d3) at said access system (4) [page 18, lines 21-25], setting up a virtual connection from said access system (4) to said service-providing-server (6) or said other terminal, and with said service parameter being prestored in said terminal (1) and/or said coupling-interface (2) [page 18, lines 21-25].

Regarding claim 6, Westfall discloses said step (d) comprises the step of (d4) at said terminal (1) and/or said coupling-interface (2), in dependence of said service-information-signal, re-configuring at least parts of said terminal (1) and/or of said coupling-interface (2) [page 19, lines 8-12 and 13-17].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westfall as applied to claim 1 above, and further in view of Jones, (US Publication No. 2002/0176547).

Regarding claim 7, Westfall does not specifically disclose said method comprises the step of (e) at said access system (4), billing packet-signals (to be) exchanged (109) between said terminal (1) and/or of said coupling-interface (2) on the one hand and said service-providing-server (6) or said other terminal on the other hand. However, Jones discloses the use of a usage based packet billing system [Jones, paragraph 32, lines 12-21]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westfall to include the use of providing a usage based packet billing system in order to bill for packets.

Response to Arguments

5. Applicant's arguments filed 11/29/2007 have been fully considered but they are not persuasive.

A – Applicant argues “Westfall never suggests the configuration of protocol couplings in the manner claimed”.

A. Applicant claims [from claim 1 (b)], “generating a configuration signal and transmitting said configuration signal to said access system for configuring at least parts of said access system and at least parts of said protocol couplings”. Westfall discloses on page 18, generating control messages to each packet processing device, the control

messages cause the new classification and scheduling rules to be added to the policy. In addition, Westfall discloses on page 15, Table 1, the parameters that can be modified.

B – Applicant argues “nor does Westfall suggest any communication of service parameters that define any protocol coupling to be used.”

B. Westfall discloses communication of parameters that define a protocol to be used on pages 14-16, specifically see Table 1 on page 15 and page 15, lines 10-13, Westfall discloses classifying item 6 [protocol] of Table 1.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG
02/11/2008

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145